

SENATE BILL REPORT

HB 1912

As Reported by Senate Committee On:
Human Services & Corrections, March 24, 2009

Title: An act relating to maintenance and construction activities in support of facilities used to house sexually violent predators.

Brief Description: Concerning facilities to house sexually violent predators.

Sponsors: Representatives Armstrong, Hunt and Moeller; by request of Department of Social and Health Services.

Brief History: Passed House: 3/06/09, 89-7.

Committee Activity: Human Services & Corrections: 3/24/09 [DP, w/oRec].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Kauffman and McAuliffe.

Minority Report: That it be referred without recommendation.

Signed by Senator Carrell.

Staff: Shani Bauer (786-7468)

Background: Persons who are found to be "sexually violent predators" are committed to the custody of the Department of Social and Health Services (DSHS) for control, care, and individualized treatment. Most sexually violent predators (SVPs) are currently housed at the Special Commitment Center (SCC) on McNeil Island. If the court has approved release of a SVP to a less restrictive alternative, the person may be released to a Secure Community Transition Facility (SCTF). There are currently two SCTFs: one is on McNeil Island and the other is in King County.

In 2001 there was substantial concern by both counties and the state regarding the siting of SCTFs and the potential liability of having an SCTF in one's jurisdiction. In response, a comprehensive siting bill for the housing of SVPs was adopted that provided for liability protection, special siting procedures, and limitations for the size and location of SCTFs. For the purposes of siting, constructing, and operating those facilities, the law specifically

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superseded and preempted local plans, development regulations, permitting requirements, inspection requirements, and all other laws. All other laws was defined to include the State Environmental Policy Act (SEPA), the Shorelines Act, the Hydraulics Code, and all other state laws regulating the protection and use of the water, land, and air.

The preemption of SEPA, the Shorelines Act, the Hydraulics code, and other state laws regarding the protection of water, land, and air expire June 30, 2009.

The Governor's 2009-2011 budget includes funding for an underground utility project and design of a 40-bed housing addition for the SCC to be completed in 2011-2013. A second 40-bed housing project is proposed for construction in 2015-2017. The facility currently has a capacity of 228 beds for men and 4 beds for women. Under current law, the SCC is limited to a total of 400 beds.

Summary of Bill: The sunset date on provisions preempting state law and local regulations is extended to June 30, 2017. Emergency language in those preemption provisions is removed and replaced with language indicating that DSHS has a need to site and construct facilities to house SVPs.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony: PRO: This is a simple bill to ensure that we can continue to get through the permitting process quickly when construction or improvements are needed to facilities that house sexually violent predators. This law originated when Pierce County refused to accept a building permit request for an SVP facility. Upon the pending expiration of the law, DSHS contacted Pierce County to request a meeting. Pierce County has responded that their position has not changed so there is no need for a meeting. Given this response, the preemption provisions are still needed. SVP projects are still required to meet all fire and safety codes and similar provisions.

Persons Testifying: PRO: Representative Armstrong, prime sponsor; Chris Olsen, DSHS, Lands & Buildings; Bob Hubenthal, DSHS.